

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE		PAGE OF PAGES	
2. AMENDMENT/MODIFICATION NO.		3. EFFECTIVE DATE		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)	
6. ISSUED BY		CODE		7. ADMINISTERED BY (If other than Item 6)		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(X)		9A. AMENDMENT OF SOLICITATION NO.	
						9B. DATED (SEE ITEM 11)	
						10A. MODIFICATION OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 11)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.						
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).						
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:						
	D. OTHER (Specify type of modification and authority)						
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
_____ (Signature of person authorized to sign)				_____ (Signature of Contracting Officer)			

INSTRUCTIONS

Instructions for items other than those that are self-explanatory, are as follows:

(a) Item 1 (Contract ID Code). Insert the contract type identification code that appears in the title block of the contract being modified.

(b) Item 3 (Effective date).

(1) For a solicitation amendment, change order, or administrative change, the effective date shall be the issue date of the amendment, change order, or administrative change.

(2) For a supplemental agreement, the effective date shall be the date agreed to by the contracting parties.

(3) For a modification issued as an initial or confirming notice of termination for the convenience of the Government, the effective date and the modification number of the confirming notice shall be the same as the effective date and modification number of the initial notice.

(4) For a modification converting a termination for default to a termination for the convenience of the Government, the effective date shall be the same as the effective date of the termination for default.

(5) For a modification confirming the contracting officer's determination of the amount due in settlement of a contract termination, the effective date shall be the same as the effective date of the initial decision.

(c) Item 6 (Issued By). Insert the name and address of the issuing office. If applicable, insert the appropriate issuing office code in the code block.

(d) Item 8 (Name and Address of Contractor). For modifications to a contract or order, enter the contractor's name, address, and code as shown in the original contract or order, unless changed by this or a previous modification.

(e) Item 9, (Amendment of Solicitation No. - Dated), and 10, (Modification of Contract/Order No. - Dated). Check the appropriate box and in the corresponding blanks insert the number and date of the original solicitation, contract, or order.

(f) Item 12 (Accounting and Appropriation Data). When appropriate, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries.

(1) Accounting classification _____
Net increase \$ _____

(2) Accounting classification _____
Net decrease \$ _____

NOTE: If there are changes to multiple accounting classifications that cannot be placed in block 12, insert an asterisk and the words "See continuation sheet".

(g) Item 13. Check the appropriate box to indicate the type of modification. Insert in the corresponding blank the authority under which the modification is issued. Check whether or not contractor must sign this document. (See FAR 43.103.)

(h) Item 14 (Description of Amendment/Modification).

(1) Organize amendments or modifications under the appropriate Uniform Contract Format (UCF) section headings from the applicable solicitation or contract. The UCF table of contents, however, shall not be set forth in this document

(2) Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

(i) Total contract price increased by \$ _____

(ii) Total contract price decreased by \$ _____

(iii) Total contract price unchanged.

(3) State reason for modification.

(4) When removing, reinstating, or adding funds, identify the contract items and accounting classifications.

(5) When the SF 30 is used to reflect a determination by the contracting officer of the amount due in settlement of a contract terminated for the convenience of the Government, the entry in Item 14 of the modification may be limited to --

(i) A reference to the letter determination; and

(ii) A statement of the net amount determined to be due in settlement of the contract.

(6) Include subject matter or short title of solicitation/contract where feasible.

(i) Item 16B. The contracting officer's signature is not required on solicitation amendments. The contracting officer's signature is normally affixed last on supplemental agreements.

Amendment 0002 to Reclassification RFP:

1. *Reference is made to Section L. **Delete** Section L.4 in its entirety and **replace** with:*

L.4 PROPOSAL AND TECHNICAL INFORMATION SUBMISSION REQUIREMENTS

Offerors may submit a proposal for OPTION A (CLINs 1, 2 and 3) or OPTION B (CLIN 4) or OPTION C (CLINs 1, 2, 3 and 4). In order to be considered for award offerors must submit a “proposal” and “technical information.”

The offeror is required to submit five (5) copies of the proposal and technical information in the following format:

Volume I:

- A. Technical Approach
- B. Reclassification test results (Required ONLY for submissions for Option A or Option C, if an offeror is only submitting a proposal for Option B (CLIN 4), the reclassification test is not a requirement)
- C. Past Performance
- D. Key Personnel Resumes (a component of the proposal)
- E. Quality Assurance Plan (a component of the proposal)
- F. Small Business Subcontracting Plan or Teaming Plan (a component of the proposal)

Volume II :

- G. Price Proposal (a component of the proposal)
- H. A completed Section K (Representations and Certifications) (a component of the proposal)

An offeror’s proposal shall only consist of:

1. A completed SF33, entitled “Solicitation, Offer and Award”
2. A completed Section B of the RFP, entitled “Supplies or Services and Prices/Cost”
3. A completed Section K (Representations and Certifications)
4. Small Business Subcontracting or Teaming Plan
5. Key Personnel Resumes
6. Quality Assurance Plan

ORAL PRESENTATIONS

If the USPTO conducts Oral Presentations, the following procedures will apply to this procurement. The Government intends to evaluate proposals and award a contract (or contracts) without discussions with offerors. The Government reserves the right to conduct Oral Presentations with the top-ranked offeror or offerors. Oral Presentations will only be held if deemed necessary by the Government. Oral Presentations are not discussions. The Oral Presentation is not an invitation to revise an offeror's technical and/or price proposal. Should one or more Oral Presentations be conducted, the following instructions apply:

- The notified offeror(s) will be invited to make an oral presentation to the Government. The oral presentation including a question and answer period may last up to a maximum of 90 minutes. Visual aids may be used by the offeror in making its Oral Presentation, however any visual aid must be submitted at least 5 calendar days prior to the presentation and must consist of only that subject matter which will be covered during the Oral Presentation.
- The Government will not provide any equipment for the presentations. Any documents, presentations, laptops, projectors, etc. are solely the responsibility of the offeror.
- At the conclusion of its oral presentation, each offeror must answer questions regarding its presentation. The question and answer segment will be for a maximum of 30 minutes.
- The Oral Presentation and the question and answer session will be evaluated using the evaluation criteria set forth in Section M of the RFP where applicable.
- The Contracting Officer will schedule the Oral Presentations and will notify each offeror of the date, time, and location of the Oral Presentation.
- The oral presentation and the question and answer session will not constitute a part of the proposal, and the information communicated thereby will not become a part of any contract resulting from this RFP. Neither the oral presentation nor the question and answer session will constitute discussions as defined in [Federal Acquisition Regulation sec.] 15.601 and 15.610.

During the oral presentation the offeror **must** address the following topics within a maximum of 60 **minutes**:

I. TECHNICAL APPROACH: The offeror shall discuss its technical understanding of the requirement and its broad approach to managing the scope of this requirement. Offerors may elaborate on its technical approach set forth in its written technical information. Offerors should discuss how it will oversee any employees or subcontractors to assure that timely and quality services are performed. Specifically, proposed lines of authority and means of

communications between the contractor and the USPTO should be discussed. Employee recruitment and retention plans to be maintained by the offeror during the performance of this contract should also be discussed.

II. KEY PERSONNEL: The oral presentation must present the necessary qualifications, experience and training of the Key Personnel identified in the offeror's written proposal and any other key technical personnel who would be expected to perform reclassification work under the contract.

III. TEST RESULTS: The presentation must address methodology used in achieving the results if Option A or C is proposed.

- The offeror may not address its price proposal, any exception/deviation from the solicitation provisions, terms and conditions, Small Business Subcontracting or Teaming Plan, or Quality Assurance Surveillance Plan. However, it may address other relevant topics, such as past performance, in addition to the topics listed above, within the one hour (60 minute) time limit. Although the offeror must address Key Personnel, in an Oral Presentation, the offeror is not allowed to revise its Key Personnel proposal during an Oral Presentation. The contracting officer will strictly enforce the overall 90-minute time limit, and the individual time limits of 60 minutes for presentation and 30 minutes for question and answer. Only that portion of the presentation which has been completed, including any presentation materials (presented and narrated), shall be considered in the evaluation. An offeror's oral presentation must be made by one or more of the persons whom the offeror will actually employ to manage the prospective contract. The offeror should have in attendance whomever the offeror believes is necessary to best respond in a manner that reflects that the offeror clearly understands the USPTO requirement. In addition, the offeror may send two non-participating representatives to observe.

L.4.1 TECHNICAL APPROACH (FACTOR A)

The Technical Approach section of the technical information submission shall not exceed a maximum of 25 pages, including any flowcharts.

In this section, the Offeror shall provide a detailed technical approach to provide the following services required for OPTION A or OPTION B or OPTION C in the following sections of the RFP:

OPTION A

CLIN 0001 – Initial Classification Schedule(s) and Classification Definition Development
CLIN 0002 – Schedule(s) Testing
CLIN 0003 – Project Documentation Development

OPTION B

CLIN 0004 – Document Reclassification

OPTION C

CLIN 0001 – Initial Classification Schedule(s) and Classification Definition

Development

CLIN 0002 – Schedule(s) Testing

CLIN 0003 – Project Documentation Development

CLIN 0004 – Document Reclassification

The Offeror's description should address workflow including workflow diagrams as appropriate and should demonstrate a thorough understanding of USPTO's requirements, the ability to meet changing requirements and/or fluctuations in workloads, and the ability to respond to report requests. The Offeror shall also describe the control and management of data and explain planned security controls and procedures maintaining the confidentiality of data.

In this section, the Offeror shall provide a start up plan providing details regarding the facilities, equipment, and supplies, and the recruitment and training of personnel.

L.4.2 RECLASSIFICATION WORK SAMPLES/TEST RESULTS (FACTOR B)

Required for proposals in response to Option A and for proposals in response to Option C.

Vendors submitting proposals for Option B are NOT required to submit test results.

For proposals in response to Option A (CLINs 1, 2 and 3) or Option C (CLINs 1, 2, 3 and 4), the Offeror shall provide work sample/test results as a separate volume with a brief discussion, not to exceed 500 words, of the approach used in developing the classification schedule.

Sample Test

For Option A or Option C, the Offeror shall provide a work sample/test results of a draft classification order that includes a lead sheet listing its contents, a new classification schedule (Section A) and a definition for each subclass in the classification schedule (Section D), based upon the claimed technical content of 391 US Patent documents in the *Supports: Racks for Apparel* (USPC Class 211, Subclass 85.3, see attached MSExcel spreadsheet). The work sample shall be submitted in required "MS Word" format. The format specified by the MSWord Style Sheet in ANNEX I (J.1.2) shall be used for definitions and the format shown in the sample order in ANNEX I (J.1.3) shall be followed for the lead sheet and classification schedule.

J.1.1 U.S. Patent Classification – Reclassification standards (5 pages);

J.1.2 Draft Class Order Style Template

J.1.3 Classification Order Sample

L.4.3 PAST PERFORMANCE INFORMATION (FACTOR C)

The Past Performance Information shall not exceed seven (7) pages in total inclusive of all Offeror references. This description must include, at a minimum:

1) Experience in managing similar size requirements and performing comparable or relevant experience.

This section shall demonstrate the Offeror's experience and past success at providing skilled personnel and ability to manage requirements, which are the same, or similar to those addressed in this RFP.

2) List of current or previous contracts; (excluded from seven (7) page limitation)

The Offeror shall provide current points of contact (Contracting Officer and COTR), point of contact's telephone number, fax number, email addresses (if available), contract title (if applicable), contract number, contract type, period of performance, dollar amount, and description of the work performed for at least three (3) Government and/or commercial contracts. The Offeror should provide information on any problems encountered on the identified contracts and the corrective action taken.

3) A Past Performance Questionnaire form in Attachment J.4 of this RFP is provided for the offeror to give to their references. This form should be completed by the reference and submitted via fax or email not later than the RFP submission due date to the following (as per attachment instructions):

U.S. Patent and Trademark Office
Office of Procurement
Attn: Eileen M. McGlinn
Mail Stop 6
P.O. Box 1450
Alexandria, VA 22313-1450
FAX number: 571-273-0284
Email: eileen.mcglinn@uspto.gov

Any information found to be unreliable may result in a negative rating to the offeror. If a prime contractor is not able to provide three (3) references, the offeror shall certify that the references provided are all of the references available as of the date of submission. False information provided concerning references or offeror certifications will result in the USPTO not considering an offeror for award of any resulting contracts. If an offeror cannot provide requisite number of references, a certification so stating is required.

Notes:

* The USPTO reserves the right to determine which contracts submitted by the Offeror are relevant to the requirements and to evaluate only those references.

* In the conduct of its past performance evaluation of Offerors, the USPTO may use a variety of information sources in addition to information provided by the Offeror. These sources may include, but are not limited to, technical reports, commercial or any available published information, and information derived from present or past Government or commercial customers of the Offeror. The USPTO may use past performance information obtained from sources other than those identified by the Offeror. Those Offerors who have no relevant past performance history will not be evaluated either favorably or unfavorably on past performance.

* The USPTO reserves the right to either contact the references provided or to rely on the reference submissions. By providing the USPTO the above contacts, the Offeror is certifying that it has contacted the referenced individuals and given permission for the USPTO to contact said individuals. In the event that the USPTO needs to contact the reference for further information and the reference does not respond within a reasonable time frame, the past performance reference may not be considered.

L.4.4 KEY PERSONNEL RESUMES (FACTOR D)

Offeror shall provide key personnel resumes (each key personnel resume shall not exceed two (2) pages). Resumes should clearly communicate the skills, knowledge, and aptitudes of the individual. An employment history must be included that covers at least the most current 5 years of employment. At a minimum resumes must be submitted for the Project Manager and Technical Manager.

L.4.5 QUALITY ASSURANCE PLAN (FACTOR E)

The Quality Assurance Plan shall not exceed ten (10) pages in total. The Government and the Contractor will agree to a Quality Assurance Plan (QAP) at the time of contract award. The Government Team will provide a Contracting Officer and Contracting Officer's Technical Representative for implementation of the QAP.

THE PROPOSED PROGRAM IS SUBJECT TO GOVERNMENT APPROVAL. This program shall, at a minimum, address the following.

- (1) Evaluation for every CLIN performed or delivered under this contract. This system will ensure attainment of the Acceptable Performance Level set forth in Sections B and C. This system must be agreeable to both the Government and Contractor and must use one of the following methods: 100% inspection,

Customer Feedback, Random Monitoring, or Periodic Sampling. The plan must detail the procedures to be utilized to insure inspection will be taken from all phases of workflow.

- (2) Where, whom and how often contractor process controls and inspections will be performed. Contractor shall state the number of people that shall be permanently assigned to this program and their assignments.
- (3) Appointment of an official who shall be responsible for the operation of the quality control system/department and for investigating, ascertaining the causes of deficiencies, and resolving these deficiencies.
- (4) How and how often inspection and tests or reviews will be held to check for: 1) errors and 2) timeliness.

Failure to maintain the Quality Control Program in accordance with the plan submitted and approved by the Government may result in the Government's termination of the contract for default.

All requested quality control samples (for use by Government representatives) must be supplied at no additional cost to the Government.

L.4.6 SMALL BUSINESS SUBCONTRACTING PLAN OR TEAMING PLAN (FACTOR F)

If the Offeror is proposing to use a teaming agreement (to include the Teaming Plan described in Clause L.4.6.2), the Offeror must include signed copies of the teaming agreement. The agreement should specify terms and conditions as they relate to contract performance.

Offerors shall submit only one of these documents depending on whether they are large businesses or small businesses proposing as the prime contractor. The Small Business Subcontracting Plan or Teaming Plan section of the proposal shall not exceed a maximum of five (5) pages.

USPTO's preferred order of subcontractor participation is listed below:

- A. Veteran-owned small businesses (including service disabled veteran-owned small businesses)
- B. HUBZone small business concerns
- C. Women-owned small business concerns
- D. Small disadvantaged businesses
- E. Small businesses
- F. Large businesses

L.4.6.1 - Small Business Subcontracting Plan (applies only to large businesses proposing as the prime contractor).

The large business offeror (proposing as the prime contractor) must submit a Small Business Subcontracting Plan with their proposal, in accordance with and using the format identified in FAR 52.219-9, Small Business Subcontracting.

The USPTO has set a minimum goal of 20% participation by veteran-owned small businesses (including service disabled veteran-owned small businesses), HUBZone small business concerns, women-owned small business concerns, small disadvantaged businesses, and small businesses. The offeror is encouraged in the proposed use of veteran-owned small businesses (including service disabled veteran-owned small businesses), HUBZone small business concerns, women-owned small business, small disadvantaged businesses, and small businesses concerns to the maximum extent possible. State current and/or proposed subcontracting/teaming arrangements with these concerns, as set forth under Public Law 95-507. For any such teaming arrangements, the offeror must identify:

- A. Offeror's procedures for implementing provisions of Public Law 95-507.
- B. Name, position with the company, and telephone number of the Small and Disadvantaged Business Utilization (SDBU) Liaison officer.
- C. Recent past history (within last 5 years) of any subcontract/teaming arrangements with small business concerns where work was performed in areas identical or similar to those specified in Section C of this solicitation. Statement of past history should include:
 - 1. Subcontract number
 - 2. Dollar amount of subcontract, type of work performed by small business concerns
 - 3. Dates of award and completion/termination.
- D. Recent past history (the 5 latest contracts in excess of \$1,000,000) of the small business utilization goal on those contracts and the actual percentage attained on those contracts.
- E. In addition to the subcontracting plan, the offeror must submit a signed teaming arrangement or letter of intent with the subcontractor they will be providing with the highest percentage of contract dollars.

L.4.6.2 - Teaming Plan (applies only to small businesses proposing as the prime contractor).

If a small business offeror is proposing as the prime contractor, with the intent of subcontracting any part of the contract requirement, it must submit a Teaming Plan. There is no required format for this plan. For each subcontractor of the team, the offeror must identify:

- A. Name of the subcontractor.

- B. Area of expertise of the subcontractor.
- C. Proposed percentage of contract work to be given to the subcontractor.
- D. Identify the subcontractor as a large business or a small business. If a small business, identify the category of small business (i.e., veteran-owned small business (including service disabled veteran-owned small businesses), HUBZone small business concerns, women-owned small business concerns, small disadvantaged business, and small businesses.)

L.4.7 PRICE (FACTOR G)

The USPTO anticipates award of a firm-fixed indefinite delivery indefinite quantity contract(s). Offerors shall only provide unit pricing for each CLIN listed in Section B.2 through B.6 and submit this with their proposal. Section B.2 through B.6 shall serve as a template for the price submission. Offerors must propose unit prices for each CLIN for all periods of performance. Award term options do not need to be priced at this time.

2. Reference is made to Section M.

Insert Provision M.6 as follows:

M.6. Single Or Multiple Award

The USPTO reserves the right to:

- Award only Option C
- Make single awards for Option A, B, and/or C
- Make multiple awards on Options A, B, and/or C

Provision M.4 which was inserted via Amendment 0001 to the solicitation is deleted and replaced by the following:

Insert:

M4(revised) Award Without Discussions

The USPTO intends to award a contract (or contracts) on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the offeror's best proposal. The USPTO reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. Should the Contracting Officer determine it necessary to conduct discussions, such discussions may be conducted as described in either the Federal Acquisition Regulation (FAR) or the Patent and Trademark Office Acquisition Guideline (PTAG).

If discussions are conducted in accordance with the FAR, the Contracting Officer may determine that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted. In such circumstances, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated offerors.

If discussions are conducted in accordance with the PTAG, negotiations may be conducted with the most highly rated offeror only. If discussions are held with a single offeror, but fail to yield an agreement, USPTO reserves the right to negotiate with the next highest ranked offeror or offerors.

Provision M.3 is deleted and replaced by the following:

Insert:

M.3 BASIS OF CONTRACT AWARD

The basis for award of a contract as a result of the RFP will be an integrated assessment by the USPTO based on the evaluation factors described below. Award will not be automatically determined by numerical calculation or formula.

Award of any contract will be made to the responsive, responsible Offeror whose proposal including options, *and technical information*, contains the combination of reclassification test results, technical approach, quality control, key personnel, past performance, small business subcontracting plan, and price factors offering the best overall value to the USPTO. This will be determined by comparing differences in the value of reclassification test results, technical approach, quality control, key personnel, past performance, and small business subcontracting plan with differences in price to the USPTO.

The ranking of the Non-Price Evaluation Factors is in descending order of importance with the first two evaluation factors rated equal and most important:

Factor A Technical Approach

Factor B Reclassification Test Results

Factor C Past Performance

Factor D Key Personnel Resume

Factor E Quality Assurance Plan

Factor F Small Business Subcontracting Plan or Teaming Plan

When combined the Non-Price Factors are significantly more important than Factor G Price Proposal. Factor G Price Proposal will be evaluated but not scored.

Further, to be eligible for source selection and contract award, the Offeror shall meet the following conditions:

- Determined to be responsible according to the standards of FAR Subpart 9.1
- Complies with all applicable laws and regulations and agrees to terms and conditions set forth in the solicitation
- Proposal and *technical information* is prepared according to instructions set forth in the solicitation and demonstrates the Offeror's capability to perform the scope of work required
- Meets all mandatory requirements set forth in Sections C and J (Attachments J.2 & J.4)